

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 19, 1946
10:50 A.M.

Council Chamber, City Hall

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The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf - 5

Absent : None

Present also: Guiton Morgan, City Manager; Trueman E. O'Quinn, City
Attorney, and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

Bruce Bledsoe, Attorney for Max Tanner and G. A. Evans, appeared before the Council in behalf of his clients' proposal for a franchise for waiting benches at bus stop locations. Mayor Miller reported that protests had been received from the Garden Club and a number of individuals against the granting of this franchise. It was the sense of the Council that a public hearing on the matter be called for the regular meeting of Thursday, October 3, and the City Manager be instructed to give notice of same by publication in the newspapers.

Roy G. Fellers appeared before the Council and presented a sworn statement declaring that he was the author of two letters published in the Austin American on September 16 under the reputed names of two Austin citizens. The letter was received and filed.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE VACATING AN ALLEY THROUGH BLOCK 12,
TOBIN AND JOHNSON SUBDIVISION IN THE CITY OF
AUSTIN, PRESERVING UTILITY EASEMENT RIGHTS THERE-
IN; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry
and Wolf

Noes : None

The ordinance was then read the second time and Councilman Wolf moved a further suspension of the rule and the placing of the ordinance on its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The ordinance was then read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property situated at the northwest corner of the intersection of East 12th Street and Harvey Street, which property fronts 60 feet on East 12th Street and 100 feet on Harvey Street, and is a portion of Outlot 29, Division "B" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and hereby authorizes the said Patrick H. Murphy to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Patrick H. Murphy has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
September 18, 1946

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Patrick H. Murphy for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon

the property located at the northwest corner of the intersection of East 12th Street and Harvey Street, which property fronts 60 feet on East 12th Street and 100 feet on Harvey Street, and is a portion of Outlot 29, Division "B", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

There are no storm water drainage facilities in place adjacent to this property. The storm water and surface drainage from this filling station will have to be conveyed to a seep well to be constructed on the property of the applicant.

We recommend that Patrick H. Murphy be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of Underwriters Laboratories, Inc., and that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap to a seep well located upon the property of the applicant.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Director of Public Works' file number 2-C-1084.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached, marked 2-C-1084, and shall be of the pre-moulded type.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Sgd) J.E. Motheral, Director Public Works

" J.C. Eckert, Building Inspector. "

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property located on the southwest intersection of Georgetown Road and Capitol Court, which property fronts 115 feet on the Georgetown Road and 140 feet on Capitol Court and is known as Lots 31 and 32 and a portion of Lot 33 of the N. A. Ladd Addition within the City of Austin, Travis County, Texas, and hereby authorizes the said Sinclair Refining Company, acting by and through H. F. Severn, Agent, to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable, and proper, present and future, regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Sinclair Refining Company has failed and refused, and will continue to fail and refuse, to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"Austin, Texas
September 19, 1946

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of the Sinclair Refining Company, acting by and through H. F. Severn, Agent, for permission to construct, maintain, and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon property located on the southwest intersection of Georgetown Road and Capitol Court, which property fronts 115 feet on the Georgetown Road and 140 feet on Capitol Court and is known as Lots 31 and 32 and a portion of Lot 33 of the N. A. Ladd Addition within the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is under option to the Sinclair Refining Company, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

There are no storm water drainage facilities in place adjacent to this property. The storm water and surface drainage from this filling station will have to be conveyed to a seep well to be constructed on the property of the applicant.

We recommend that the Sinclair Refining Company, acting by and through H. F. Severn, Agent, be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of Underwriters Laboratories, Inc., that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area, and that all of said oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap into a seep well located upon the property of the applicant.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Director of Public Works' file number 2-H-845.

(5) That expansion joints shall be constructed as shown upon the plan hereto attached, marked 2-H-845, and shall be of the pre-moulded type.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Sgd) J. E. Motheral
Director of Public Works

" J. C. Eckert
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes: None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property situated at the southeast corner of the intersection of Airport Boulevard and East 53 $\frac{1}{2}$ Street, which property is under option to Sinclair Refining Company and fronts 162.55 feet on Airport Boulevard and 250 feet on East 53 $\frac{1}{2}$ Street, and is designated as a portion of Lot 1 of Mrs. Lou H. Hill Subdivision in the City of Austin, Travis County, Texas, and hereby authorizes the said Sinclair Refining Company, acting by and through A. F. Buck, District Manager, to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing it is found by the City Council that the said Sinclair Refining Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
September 18, 1946

Mr. Guiton Morgan
City Manager
City of Austin

Dear Sir:

We, the undersigned, have considered the application of the Sinclair Refining Company, acting by and through A. F. Buck, District Manager, for permission to construct, maintain, and operate a drive-in gasoline station and to construct commercial driveways in connection therewith upon the property located at the southeast intersection of Airport Boulevard and East 53 $\frac{1}{2}$ Street, which property fronts 162.55 feet on Airport Boulevard and 250 feet on East 53 $\frac{1}{2}$ Street and is known as a portion of Lot 1 of Mrs. Lou H. Hill Subdivision in the City of Austin, Travis County, Texas, and the property upon which the filling station is to be located is under option to the Sinclair Refining Company, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

There are no storm water drainage facilities in place adjacent to this property. The storm water and surface drainage from this filling station will have to be conveyed to a seep well to be constructed on the property of the applicant.

We recommend that Sinclair Refining Company, acting by and through A. F. Buck, District Manager, be granted permission to construct, maintain, and operate said drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Public Works Department of the City for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of Underwriters Laboratories, Inc., that all construction of the filling station improvements shall be in accordance with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap into a seep well located upon the property of the applicant.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2-C-1083.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached, marked 2-C-1083, and shall be of the pre-moulded type.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Sgd) J. E. Motheral
Director of Public Works

" J. C. Eckert
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Guiton Morgan, City Manager, be, and he is hereby, authorized to execute, in behalf of the City, a quitclaim deed to Ben Walker, of Travis County, Texas, quitclaiming to the said Ben Walker all that part of Outlot 73, Division "E" of the Government Outlots adjoining the City of Austin, in Travis County, Texas, included in the deed from Ralph Breazeale et ux to the City of Austin dated November 26, 1929, and recorded in Book 443, page 356, of the Deed Records of Travis County, Texas, except the $\frac{334}{1000}$ of an acre described as follows: Beginning at an iron stake in the north line of the said City of Austin tract of land, same being the south line of River Street, and from which iron stake another iron stake at the centerline intersection of River Street and Red River Street bears S. 71°07' E. 148.0 feet and N. 19°00' E. 30.0 feet; thence with the east line of the aforementioned City of Austin tract S. 19°00' W. 150.0 feet to an iron stake; thence N. 71°07' W. 100.0 feet to a point; thence N. 19°00' E. 150.0 feet to an iron stake in the south line of River Street; thence with the south line of River Street S. 71°07' E. 100.0 feet to the place of beginning.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON A CERTAIN 43.2' x 130' OUT OF OUTLOT 28, DIVISION O, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf

Noes : Councilman Thornberry

The ordinance was then read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third

reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
Noes : Councilman Thornberry

The ordinance was then read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
Noes : Councilman Thornberry.

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON LOTS 1, 2, 3, 4, 5 AND 6, in THE WILLIAM FRAZIER SUBDIVISION, OUT-LOT 5, DIVISION O, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None

The ordinance was then read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None

The ordinance was then read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

The application of Henry H. Brooks for a change in zoning, from "A" Residence District to "C" Commercial District, of property known as .956 of an acre of land located at the southwest corner of the Fredericksburg Road and Barton Springs Road was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

The following report of the Board of Adjustment was received and ordered filed:

"Austin, Texas
September 18, 1946

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on September 17, 1946:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration, a petition of Story Frazier, lessee, through his Attorney, Kenneth R. Lamkin, requesting a change in the Use designation of the following property:

Lot 1, Block 1, Outlot 34, Division "B", located
at 1904 East 12th Street,

from "C-1" Commercial District to "C-2" Commercial District; and

WHEREAS, the Board of Adjustment considered this request at a meeting on September 17, 1946, at which the applicant stated that he only desired to have that portion of the lot and present building which would be occupied by him changed, and further stated that the space he would required would be 12'x16' which he intended to use as a liquor package store for the retail sale of wines and liquors; and

WHEREAS, this application is for a change of only a portion of a lot of record and a part of a building, which does not properly define the boundaries of the area in accordance with the requirements of the ordinance which stipulates that the boundaries of zoning districts shall be either streets, alleys, or property lines; and

WHEREAS, this property lies in a "C-1" Commercial District, which extends from Comal Street to Poquito Street, in which beer and wine may be sold in connection with the dispensing of food, which the Board considers to be the proper zoning of this property; and

WHEREAS, this change would be for the benefit of a single lessee and would be the creation of a spot zone unrelated to any general zoning plan; and

WHEREAS, after a long period of study for the control of the liquor traffic through the Zoning Ordinance the City Council established a "C-1" District which permits the sale of wine and beer in approved cafes and

restaurants in addition to the existing "C-2" District in which liquors of all types may be sold to the public, and this portion of East 12th Street, after due consideration and a public hearing, was zoned as a "C-1" Commercial District, making it possible for the cafes and restaurants located thereon to serve wine and beer with their meals, but excluding spirituous liquors, at which time all property owners had ample opportunity to be heard concerning their own properties; and

WHEREAS, the Board deems that the granting of such spot zones in both a single lot or portion of a lot sets a dangerous precedent which, if pursued, generally, would ultimately break down the Zoning Ordinance and destroy its purpose and nullify its benefits; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT this change in the Use designation of the above described property be not recommended to the City Council of the City of Austin.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

At the request of the applicant, Councilman Wolf moved that a public hearing on the foregoing application of Story Frazier, for change in zoning, from "C-1" Commercial District to "C-2" Commercial District, be called for Thursday, October 10, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of THE BOTTLE SHOP, 408 Congress Avenue, by Mrs. Rose Tannenbaum, for a license to operate a package store, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of WELDON BUCK, 1504 West 5th Street, for a license to operate as a taxicab a 4-door Chevrolet, 1941 Model, Motor No. AA-499025, State License No. FV-5360, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of DELMA PATTERSON, 300 Congress Avenue, for a license to operate as a taxicab a 4-door Chevrolet, 1940 Model, Motor No. 3362992, State License No. FX-5618, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of ROSS HELM JOSLIN, 713-A G. I. Drive, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of WILLIAM R. BROWNLEE, 210 East 9th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of WILLIAM HARVEY EVANS, 1202 San Antonio Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of CLEE ERNEST HORTON, 2000 Yale Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of ROBERT F. BOYCE, Colored, 1705 Leona Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of LORENZO THOMPSON, COLORED, 1011 East 11th Street, for a license to operate a taxicab, recommended for denial by the City Attorney and the City Manager, was submitted. Councilman Wolf moved that applicant be granted a license to operate his taxicab. The motion lost by the following vote:

Ayes : Mayor Miller and Councilman Wolf

Noes : Councilmen Bartholomew, Glass, and Thornberry.

The application of JOE GRADY ROBINSON, 3201 Weberville Road, for a taxicab driver's permit was submitted. Councilman Wolf moved that applicant be granted a 90-days probationary taxicab driver's permit, and that he report to the Chief of Police once or twice a month in the meantime, and if at the end

of such probationary period, applicant's record is satisfactory, permit to be made permanent. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

A petition signed by John B. Pope, Jr., et al, being all of the property owners in Block 12 of Tobin & Johnson Subdivision, requesting that an alley running east and west through said block be perpetually closed, abandoned, and vacated was received and ordered filed.

The following report of the Board of Adjustment on the application of EDWARD JOSEPH for change in zoning of property located in Murray Place Addition east of the Georgetown Road, between Franklin Boulevard and Nelray Street, and fronting not less than 250 feet on the Georgetown Highway, was received and filed:

"Austin, Texas
September 18, 1946

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on September 10, 1946:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration, a petition of Edward Joseph requesting a change in the Use designation of the following property:

Lots 33, 34, 35, 36, 13, 14, 16, 18, 20, 22, 24, 26, 27, 29, 43, 45, 47, 49, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62, in Northfield Addition,

from "A" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on August 6, 1946, at which Everett Looney, Attorney for the applicant, appeared and plead his case, and stated their reason for requesting this change, which was to permit the erection and operation of a play park with merry-go-round, ferris wheel, airplane ride, car round, fun house, skating rink, whip, boat chute, roller coaster, pony ride, train track, tunnels, etc., and submitted a plan entitled "Play Land" showing the development proposed to be made on the property, which would be classified as an Amusement Park as defined in Section 2 of the Zoning Ordinance of the City of Austin, which is not permitted in an "A" Residence District or "B" Residence District; and

WHEREAS, a large number of the property owners sandwiched between the proposed commercial areas and within the immediate vicinity appeared and vigorously protested this change as seriously affecting character, causing

their use as a residence to become untenable and forcing them to abandon their homesteads should this development take place; and

WHEREAS, at this meeting, the Board decided to take the matter under consideration for further study, and the matter was again considered at a meeting of the Board on September 10, 1946; and

WHEREAS, the property described above as indicated on the attached plat reveals that the areas requested to be changed from "A" Residence District to "C" Commercial District consist of segregated parcels of property on both sides of Franklin Boulevard with intervening areas of "A" Residence Districts and not as a homogeneous, continuous area; and

WHEREAS, the Board collectively reviewed the property and found that certain lots as indicated on the plat have residence buildings located thereon, some of which occur between two parcels requested to be changed and others adjacent thereto; and that there is evidence of additional development for residential purposes in this immediate area; and that to the east on North Loop Boulevard there is considerable residential development already existing; and

WHEREAS, the Board of Adjustment carefully considered all of the pleadings for and against this change and considered this change in the light of existing conditions in the neighborhood, the present zoning of the surrounding area, the trend of development with respect to present and future land use, the present and future traffic conditions at this location, and otherwise in the light of fundamental zoning principles and its relation to a comprehensive plan of civic development which presumes that zoning districts of homogeneous areas of property of like character be separated from other districts by streets, alleys and property lines, and established in accordance with a comprehensive plan and with consideration of the character of the district and most appropriate use of the land as set out in the caption and purpose of the ordinance; and

WHEREAS, the Board deemed that the disconnected and heterogeneous character of the area to be zoned, extending from North Loop Boulevard to Nelray Boulevard and from the Georgetown Road to Guadalupe Street violates the intent and purpose of the Ordinance, is unreasonable and would be unfair and unjust to the residents now living in this area and would adversely affect the surrounding area, which is definitely residential in character, and is contrary to all sound zoning principles; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT this change in the Use designation of the above described property be not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

At the request of C. F. Herring, Attorney for Edward Joseph, applicant, the Council postponed further action on the above matter until further

notice from said attorney.

There being no further business, upon motion of Councilman Thornberry, the meeting was recessed at 1:45 P. M., subject to call of the Mayor.

Approved: Tom Miller

MAYOR

Attest:

Helen M. Keller

City Clerk